

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-cv-545-RJC-DCK**

**STATE FARM FIRE AND CASUALTY)
COMPANY,)
Plaintiff,)
v.)
**GREGORY J. KUDASZ,)
Defendant.)****

ORDER

THIS MATTER is before the court on the defendant's Motion to Dismiss (Doc. No. 6) and the Magistrate Judge's Memorandum and Recommendation recommending denying the motion (Doc. No. 9). Subsequently, Plaintiff timely amended its complaint (Doc. No. 11).

It is well-settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot. See [Young v. City of Mount Ranier](#), 238 F.3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect); [Colin v. Marconi Commerce Sys. Employees' Retirement Plan](#), 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004) (defendants' earlier motion for summary judgment as to one count of first amended complaint rendered moot by filing of plaintiff's second amended complaint); [Turner v. Kight](#), 192 F. Supp. 2d 391, 397 (D.Md. 2002) (denying as moot motion to dismiss original complaint on grounds that amended complaint superseded original complaint). Thus, the filing of Plaintiff's amended complaint renders the defendant's pending motion to dismiss as moot.

IT IS, THEREFORE, ORDERED that Defendant Gregory J. Kudasz's Motion to Dismiss (Doc. No. 6) is **DENIED** as moot.

Signed: May 12, 2011

Robert J. Conrad Jr.

Robert J. Conrad, Jr.
Chief United States District Judge

